

III. PUBLIC COMMENT & PRESENTATIONS

*The City of Hutto City Council welcomes public comment early in the agenda of regular meetings. Those wishing to speak must sign in by completing the **BLUE** public comment form and present the form to the City Secretary. Speakers will have one opportunity to speak during the time period and may speak on any matter not listed on the agenda and must observe a three-minute time limit. **Inquiries about matters not listed on the agenda may either be directed to staff or placed on a future agenda for Council consideration.***

1. Presentation on the 2008 City of Hutto Racial Profiling and Uniform Crime Report.

Police Chief Harold Thomas reported to Council on this item.

- Of the 3,514 stops made by HPD, 2,244 stops live in the 78634 zip code.
- The actual number of citations/violations issued were 4,111 (more than one violation can be reported during a stop). Up from 2007, which was 3,430.
- HPD's Racial Profiling policy and how to file complaints are listed on the City's Website.

2. Presentation on the Quarterly Investment Report for the first quarter of Fiscal Year 2008-2009.

Finance Director Laurie Brewer reported to Council on this item. Report is through December 31, 2008.

- Required by the City's Investment Policy and the Public Funds Investment Act
- Indicates ending balances, as well as a comparison to the previous quarter
- Demonstrates compliance with the City's investment policy
- Investment Policy is what guides staff on where money can be invested until it is needed for operations, capital, etc.
- Not a revenue/expenditure report
- A snapshot of the balances in the bank and investment accounts at a point in time
- Bank Deposits (First State Bank) \$2,241,549
- Pools (TexPool, TexStar) \$6,320,556
- Agency Notes \$3,508,145

Investment Activity

- Yield
 - Bank account – .29%
 - Pools (average) – 1.379
 - Agency Notes – 4 total (yield to maturity)
 - 2.231
 - 2.535
 - 2.231
 - 2.921

Investment/ Cash Activity

- Yield
 - Bank account – .29%
 - Pools (average) – 1.379
 - Agency Notes – 4 total (yield to maturity)
 - 2.231
 - 2.535
 - 2.231
 - 2.921

Outlook

- Rates will stay low
- City will continue to review all expenditures
- Budget contingency plan

The City Manager is setting up meetings with the Council members to review the budget.

Councilmember Wirth had a question regarding the yields of Tex Pool and the banks.

3. Remarks of Visitors.

Visitor O'Barr Rost spoke to Council regarding the vacation of an alley between 103 and 105 Main Street; trying to get this application in; regarding UDC he is concerned of housing costs under this code; needs more input before final decision made by the council.

IV. PUBLIC HEARINGS

The City of Hutto City Council encourages input from interested parties regarding topics being considered via public hearings. Those wishing to speak must sign in by completing the YELLOW public hearing comment form and present the form to the City Secretary. Speakers must observe a three-minute time limit.

1. Open and conduct the public hearing regarding the proposed Unified Development Code (UDC).

Mayor Pro Tem Begier opened the public hearing

Harry Savio, with the Austin Home Builders Association, spoke to Council regarding this item; the Smart Code had exceptional planning and appreciates this process; the industry does challenge the master code (fascade requirements, landscaping and residential permit issues); challenges will be brought between the building inspection department and the community development department; he has shared his concerns with the City Manager; asked for reconsideration of the UDC as it is currently presented; discussions will be held with the planning department.

Citizen Mike Fowler spoke to Council regarding this item; he believes the Council should reconsider the Unified Development Code before a final decision is made so the city can grow in a proper manner.

Mayor Pro Tem Begier closed the public hearing.

2. Open and conduct the public hearing regarding amending the Growth Guidance Plan to incorporate the Old Town Hutto Master Plan and the Parks Master Plan.

Mayor Pro Tem Begier opened the public hearing

Citizen Mike Fowler spoke to Council regarding this item; he is in favor of this item.

Mayor Pro Tem Begier closed the public hearing

3. Open and conduct the public hearing regarding the establishment of the SmartCode (SC) District regulations for all development within the City of Hutto.

Mayor Pro Tem Begier opened the public hearing

Citizen Mike Fowler spoke to Council regarding this item; he is in favor of this item if it is an optional measure; people should not be forced into this; it should be a part of the Old Town area as an option.

Visitor Laura Sackrider spoke to Council regarding this item; increase dollar and stability of the city's tax base; increase quality of the infrastructure; allow Hutto ISD better predict student population changes; she is in favor of this item.

Mayor Pro Tem Begier closed the public hearing.

4. Open and conduct the public hearing regarding the request for zoning change for Zoning Case #Z-08-056R, Case Name: 1911 Historic District and Co-Op Property Rezoning, located on 192.92 acres, more or less, of land, to the classifications shown on the Historic District Rezoning Map.

Mayor Pro Tem Begier opened the public hearing

Citizen Chris Maldonado spoke to Council regarding this item and had a question regarding the zoning of his property.

Citizen Ruben Maldonado, Jr. spoke to Council regarding this item; he had questions regarding the new zoning changes on 114 Taylor Street – what will the impact of taxes be on this property; he is concerned about the affect of split properties and the future of this on the city; with the current economic situation, this is not the proper time to rezone properties.

Citizen Dudley Marx owns property at 131 Front Street; day care facility property will be split between two different zones; what will happen to Front Street and Austin Street property owners; this will kill business in this area; does not understand zoning designations; should not use Atlanta, Georgia model; will hurt business.

Citizen Cherri Thompson spoke to Council regarding this item; is a realtor; has some property that may be split and needs to know how it will sell after it is ½ residential and ½ commercial that will require a 2 story building.

Citizen Mike Fowler spoke to Council regarding this item; he has concerns regarding the zoning maps and the areas of zoning; some areas need further research that is split by a T-zone; concerned some areas have not had further historical review that will affect approximately 10 historical houses that do not need to be a part of the commercial area.

Visitor Henry Keith Perrin spoke to Council regarding this item; owns property in Hutto that appears will be split, this will adversely affect his ability to sell the property; there does not seem to be a reasonable reason to split the property; his neighbors will also be negatively impacted; higher taxes will result from this change; the valuation of his property will be negatively impacted; spoke against this item.

Mayor Pro Tem Begier closed the public hearing

V. **CONSENT AGENDA ITEMS**

1. Consideration and possible action on the minutes of the City Council work session held on January 29, 2009.
2. Consideration and possible action on the minutes of the City Council regular meeting held on February 5, 2009.
3. Consideration and possible action on the second and final reading of Ordinance No. 09-004-00, replacing Chapter 1: General Provisions; Article 1.07: Parks and Recreation: Division 1: Generally; Section 1.07.001: Public Park Hours of Operation through Section 1.07.006: Parks Improvement and Acquisition Account; in its entirety in the Hutto Code of Ordinances; with this Article to be known as the Parks Regulatory Ordinance.

Councilmember Quintanilla-Perez asked for Consent Agenda Item No. 3 to be pulled for discussion.

Councilmember Holland made a motion or approval of Consent Agenda Items 1 and 2; second by Councilmember Madrid. Motion carried unanimously.

VI. **REGULAR AGENDA ITEMS**

*Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Those wishing to speak must sign in by completing the **PINK** agenda item comment form and present the form to the City Secretary. Speakers will have three minutes to speak regarding specific agenda items.*

Consent Agenda Item 5.3 was heard at this time.

Citizen Jeff Phillips spoke to Council regarding this item; property backs up to Fritz Park and has a concern that noise can be allowed until 11:00 pm; the City's noise ordinance calls for a 10:00 pm deadline and asked this change be considered.

Councilmember Quintanilla-Perez has received phone calls from Mr. Phillips and personally went out to the park to hear the noise problem and agrees that the 10:00 pm change should be considered.

Parks Director Mike Hemker indicated that this will present a problem with the Movies-in-the Park and Concert nights that run past 10:00 pm; Relay for Life event runs all night; most violations have been received from people who have rented the park facility; the Police Department has promptly responded to each concern; renters are asked to turn their speakers toward the creek; preferred concert layouts will be given to renters, violations could possible result in a deposit loss.

Councilmember Madrid stated that the idea of a "shell" had been proposed in the past that would help provide sound buffering.

Councilmember Slayton suggested that the movies-in-the-park could be moved to a week-end evening. The projectionist is usually booked by other cities on the week-ends; options are being considered.

Mr. Phillips stated his concern is that he wants events to follow the Park standards even on week-ends when the Park staff is not available to respond to complaints.

Police Chief Thomas stated that concerts should procedurally be out of a park by 11:00 am; this does not mean that they are allowed to stop playing music at this time.

Parks Director Mike Hemker stated that penalty will be imposed.

Mayor Pro Tem Begier had a question regarding the exemption of such events as the Gospel Event and Relay for Life Event.

Parks Director Mike Hemker advised that 12 homes and one church border the park.

Councilmember Holland asked that rental contracts mandate compliance and also contain contact numbers for the police.

Police Chief Thomas advised that the police department will work with the parks department in knowing the proper layout of concert equipment.

Councilmember Wirth suggested that the Council should be allowed to grant variances for special events.

Parks Director Mike Hemker suggested that the Parks Staff be allowed to make this decision.

City Attorney Charlie Crossfield suggested that under Section 107.002 e be changed to 10:00 pm and City events are exempt.

Councilmember Wirth suggested that the Ordinance should allow for City Staff to have the discretion to make exemptions regarding the time deadline.

Councilmember Slayton made a motion for approval with the suggested changes; second by Councilmember Wirth. Motion carried unanimously.

1. Consideration and possible action on a Subdivision Ordinance Variance Request submitted by FB, Ltd. in regards to the Glenwood 3A and 3B Final Plats.

City Engineer Matt Bushak spoke to Council on this item; he was directed by Council at the last council meeting to look for solutions and bring this item back for consideration.

There are 3 potential developers that may also request a variance.

Riverwalk is approximately 60-80 lots; Creek Bend 7a is approximately 50 lots; Forest Creek will expire in March 2009.

Councilmember Slayton made a motion to grant this variance; second by Mayor Pro Tem Begier.

Councilmember Madrid had a concern regarding the commitment of the developer to complete the build-out of the subdivisions including the roads.

Councilmember Slayton believes that the developer will finish the projects but are currently asking for additional time for completion.

Community Development Director Matt Lewis advised that there are safeguards in place to encourage developers to complete their projects.

Mayor Pro Tem Begier called the questions.

Motion carried unanimously.

2. Consideration and possible action on Resolution No. 2009-010-00, supporting the implementation of emission reduction actions to assist in clean air efforts and to maintain Williamson County's designation as "attainment" in regards to ground level ozone standards.

Public Works Operations Manager Scot Stomsness spoke to Council on this item; community educational programs will be provided to the public; if attainment is not achieved this designation would negatively impact the city and the county; the designation of non-attainment lasts for 20 years.

Mayor Pro Tem Begier made a motion for approval; second by Councilmember Quintanilla-Perez.

Councilmember Slayton encouraged extensive county wide public education.

Motion carried unanimously.

3. Consideration and possible action on the first reading of Ordinance No. 2006-22-02, amending the Growth Guidance Plan to incorporate the Old Town Hutto Master Plan and the Parks Master Plan.

Scott Polikov with Gateway Planning spoke to Council regarding this item; it was not the intent of the planners to split any lots so this will not be a part of the plan.

Councilmember Holland noted that this plan is not intended to be implemented for a long time; some of the properties in the downtown area could possibly become future commercial businesses.

Councilmember Slayton mentioned that the city will need to plan for gentrification (turning older run-down neighborhoods into desired areas); planning for different lifestyles is very important.

Community Development Director Matt Lewis advised that the planning process including the idea of having housing, shopping and recreational areas in one area.

Mr. Perrin stated that this plan should be for future growth only and still disagrees with the plan; the people that you currently represent are not being accommodated.

Scott Polikov advised the planners recognize that there are certain areas that should not be affected.

Mr. Perrin had a question regarding parking. Scott Polikov stated that parking will have to be only on the front of the property but not facing a residence; certain areas will have designated as Special District Arterial.

Councilmember Quintanilla-Perez left the dias at 9:11 pm and returned at 9:12 pm.

Mayor Pro Tem Begier called for a break at 9:13 pm.

Council reconvened from break at 9:23 pm.

Susan Daniels with ERO International made a presentation to Council on the draft Heart of Hutto Old Town Master Plan and Regulations.

Key Goals

- Incorporate public involvement throughout the planning process Preserve and maintain the resources which help define the existing character of the City of Hutto.
- Strengthen the links and reinforce gateways and corridors between the surrounding neighborhoods as well as within downtown.
- Create a downtown which appropriately balances pedestrian, bike and vehicular traffic.
- Provide a range of public open space which is linked to and accessible from the Hutto street grid.
- Develop a set of standards which respond to existing conditions in the city and which provide a framework for the integration of new development in the downtown.
- To create an accurate understanding of the current capacity and future needs of existing City infrastructure.

Design Matters – Key Factors of New Urbanism

- Better design of the built environment
- Buildings contribute to streets and open spaces.
- Public space encourages sociability and creates a sense of community.
- A mix of uses is a critical component of achieving more desirable places to live.
- A mix of uses provides the community a wider range of choices and services.
- Walkable neighborhoods respect the human scale and provide pedestrian-friendly spaces that ensure users feel at home and can navigate easily by foot.

People Places – Economic Development Benefits

- Companies realize their workers want to work and live in areas that offer a vibrant social life, environmental amenities, and a reasonable commute.
- Talented individuals are attracted to sociable communities – places with destinations, public and civic spaces, plenty of open space.
- Compact, less sprawling development patterns can reduce the capital and operations costs governments incur from new growth.

Key Findings and Recommendations

Form based regulations

- Implement a new SmartCode for regulating all future development in Old Town
- Implement mandatory Architectural Design Standards for Old Town

Seek Master Developer

- Seek a Master Developer for the re-development of the Co-op property that includes a vibrant mix of uses guided by the shared Vision developed for Old Town. Use of the Market Research and Illustrative Plan should be a guide for the development with certain inherent flexibility built into the process

Careful coordination between the City and the selected Master Developer is paramount during the design and construction of the proposed Municipal Complex.

- Funding tools will help achieve a high quality public realm for Old Town and City participation can assist in the high cost of implementing standards that go above and beyond the City's minimum standards.

Transportation and Utility Infrastructure

- Make the Right-of-Way a viable part of the public realm by allocating distinct areas for travel lanes, parking, pedestrian oriented sidewalks and storefront amenities.
- Continued conversations between the City of Hutto, CAMPO, TxDOT, and Union Pacific Railroad are vital to assuring that the expansion of US 79 is realized in conjunction with the vision for Old Town Hutto.
- Key intersection and roadway improvements are necessary to ensure safety and a more balanced use of right-of-way.
- Public or shared parking arrangements should be sought to offset the parking demand and allow buildings in Old Town to be designed, reused or developed under market conditions.
- Group utility and street reconstruction efforts to maximize benefits and reduce street closures due to construction.
- Include key transportation and utility infrastructure projects in Hutto's Capital Improvement Plan and future bond elections.

Public Workshop Comments

- Time-frame for the slip-street improvements should accommodate existing uses that may not change in the near future.
- Redesign of US 79 should consider access onto and off of the slip street.
- Scale back OT-5 Zone along FM 1660 to Live Oak Street.

Revisions based on input from Planning and Zoning and Historic Preservation Commissions

- The Old Gin Building located at the western termination of Farley Street and Short Street will be considered for either removal or reuse.
- The property at the SE corner of the Live Oak and East Street intersection was changed from OT-3 to OT-4T.
- The properties located south of Hague street in the South East portion of Old Town were included as OT-3, which completes the Old Town boundary.
- The properties flanking the proposed Civic Plaza within the Co-op district have been changed to "required commercial" and/or recommended use.
- On the "Proposed Reconstruction Priorities", P & Z requested that a note be added that; all streets are intended to be reconstructed as curb and gutter and that those listed were merely of a high priority in the timeline for the development of the downtown.

Public Workshop Comments

- Address how existing properties are grandfathered.
- Clarified the non-conforming use and structure standards to allow:
- All changes in uses that are permitted under the new code are allowed so long as the improvements do exceed the non-conformity trigger.
- All changes to buildings that do not exceed the non-conformity trigger are allowed with the exception of façade changes along Type A Streets (per the Regulating Plan).
- All single-family uses in the OT-3 zone may be improved without limitation so long as they do not change the dimensions of non-conformity

How to Use the SmartCode

- Use the Regulating Plan showing the Old Town Transect Zones to identify the
- property of interest
- Note the specific Old Town Transect Zone designation for that property.
- Refer to the Special Requirements map of the Regulating Plan to see the Street Type designations for the property and if any of other special requirements apply, i.e., commercial frontage and required terminated vistas
- Refer to the SmartCode Sections 4 and 5 and the following tables for Development Standards by specific OT Transect Zone:
 - Street Design and Public Frontages – Tables 3A – 4C
 - Landscaping – Table 6
 - Private Frontages – Table 7
 - Building Configuration – Table 8
 - Building Disposition – Table 9
 - Use (Building Function) – Table 12A
 - Summary Table – Table 14B
 - Form Base Code graphics – Tables 15C – 15I

Councilmember Quintanilla-Perez made a motion for approval, pulling the zoning regulatory plan, Sections 5.3 and 5.4; second by Councilmember Holland.

Motion carried unanimously.

4. Consideration and possible action on the first reading of Ordinance No. 09-005-00, establishing the SmartCode (SC) District regulations for all development within the City of Hutto.

Community Development Director Matt Lewis spoke to Council on this item and presented clarifications to the SmartCode.

Councilmember Holland made a motion for approval with all of the changes; second by Councilmember Quintanilla-Perez. *Changes are per attached document.

Citizen Jeff Phillips spoke to Council in favor of this item; complimented the planning process that resulted in this document; it is representative of what the Hutto citizens have envisioned; he spoke in favor of this item.

Councilmember Slayton commented that this will benefit the city; at the APA conference this subject was of great interest to many cities; implementation of the SmartCode varied among the participating cities; this will allow the city control of its land use; the biggest benefit will be the economic growth that will result from these regulations.

Councilmember Wirth stated that the downtown area will be governed by the Unified Development Code.

Councilmember Quintanilla-Perez commented that it is important for the Council to maintain its vision to accommodate the growth of the city.

Councilmember Madrid stated that he likes the ability for Old Town to opt into the plan; likes the flexibility of the SmartCode.

Mayor Pro Tem Begier called the question.

Motion carried unanimously.

5. Consideration and possible action on the first reading of Ordinance No. 09-006-00, regarding the request for zoning change for Zoning Case #Z-08-056R, Case Name: 1911 Historic District and Co-Op Property Rezoning, located on 192.92 acres, more or less, of land, to the classifications shown on the Historic District Rezoning Map.

Community Development Director Matt Lewis spoke to council regarding this item.

Visitor Skip Davenport spoke to Council in favor of this item.

Citizen Jeff Phillips spoke to Council on behalf of the Historical Commission; they are in favor of this item and recommended approval.

Councilmember Quintanilla-Perez made a motion for approval with the changes previously mentioned; second by Mayor Pro Tem Begier. * Changes are per attached document.

Motion carried unanimously.

6. Presentation, discussion and possible action on a status report for the proposed Unified Development Code (UDC) for the City of Hutto.

Community Development Director Matt Lewis spoke to Council on this item; he would like to meet with the Council to discuss this code.

Citizen Jeff Phillips spoke to Council on behalf of the Historic Preservation Commission and spoke in favor of this item; the City already has enough "starter" homes and needs to demand better quality of homes.

City Manager Ed Broussard advised that final drafts will not be available until late March of 2009.

Councilmember Wirth would like to hear more information and has many questions and would like a work session.

City Manager Ed Broussard advised Council that the Staff will work on the issues and then present the ideas to Council to decide on their policy of implementation.

Mayor Pro Tem Begier would like to go ahead and have a Saturday work session.

Councilmember Wirth suggested that the one-on-one meetings will help narrow scope of the questions for the work session.

VII. EXECUTIVE SESSION ITEMS

Hutto City Council will adjourn from its regular session and convene in closed/executive session pursuant to Texas Government Code, Chapter 551: Section 551.071: Consultations with Attorney to discuss the following:

- Consultation with attorney regarding personnel matters

Council convened into Executive Session at 11:04 pm.

VIII. FINAL ACTION ON EXECUTIVE SESSION ITEMS

The Hutto City Council will reconvene into open session to take any necessary action(s) regarding:

- Consultation with attorney regarding personnel matters

Council reconvened from Executive Session at 11:58 pm

Tina Slayton was absent from the dias.

No action taken.

IX. ADJOURNMENT

There being no further business before the Council, Mayor Pro Tem Begier adjourned the meeting at 11:59 pm.

CITY OF HUTTO, TEXAS

David F. Begier, Mayor Pro Tem

Attest:

Debbie Chelf, City Secretary